

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 11, 2018

SEAN F. MCAVOY, CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMPSON DENSMORE ST
PIERRE,

Defendant.

No. 2:18-MJ-00105-JTR-1

ORDER FOLLOWING MOTION
HEARING AND INITIAL
APPEARANCE PURSUANT TO
FED. R. CRIM. P. 5 AND ORDER
OF REMOVAL

**MOTION GRANTED
(ECF No. 11)**

At Defendant's May 11, 2018, motion hearing, Defendant appeared, in custody, with Assistant Federal Defender W. Miles Pope. Assistant U.S. Attorney George J.C. Jacobs, III, represented the United States.

The Court ordered Defendant released because there was no evidence of an outstanding warrant for his arrest in this cause, and no record of a probable cause arrest on the District of Montana indictment. The Court determined that without a warrant, this Court had no authority under Fed. R. Crim. P. 5 or any other statute to detain or transport Defendant to the District of Montana.

Actual release was stayed while the United States sought appeal of this release. The United States also filed a motion for reconsideration of the Court's ruling, attaching a copy of the warrant issued by the District of Montana on May 10, 2018. ECF No. 11-2

There now being evident a warrant from the District of Montana, the United States' motion to reconsider, **ECF No. 11**, is **GRANTED**.

This Court then readvised Defendant of his rights under Rule 5 and conducted an initial appearance on the indictment out of the District of Montana.

1 Defendant, individually and through counsel, waived the right to an identity
2 hearing, pursuant to Fed. R. Crim. P. 5. Defendant's waiver is accepted as
3 knowing and voluntary. Defendant, personally and through counsel, waived
4 Defendant's right to a preliminary hearing. Defendant, personally and through
5 counsel, waived the right to a detention hearing.

6 Defendant shall be held in detention pending disposition of this case or until
7 further order of the court. Defendant is committed to the custody of the U.S.
8 Marshal for confinement separate, to the extent practicable, from persons awaiting
9 or serving sentences or being held in custody pending appeal. Defendant shall be
10 afforded reasonable opportunity for private consultation with counsel.

11 If a party desires this Court to reconsider its determination of detention
12 status or conditions of release because of material and newly discovered
13 circumstances pursuant to 18 U.S.C. § 3142(f), that party shall file a two-page
14 motion for reconsideration succinctly stating what circumstances are new, how
15 they are established, and the requested change in detention status or conditions of
16 release. The motion shall indicate whether opposing counsel or Pretrial Services
17 object, whether a hearing is desired, and whether a supplemental pretrial report is
18 requested. This Court will treat the motion as expedited and submitted without
19 argument, and will set a hearing or issue other orders as may be appropriate.

20 Defendant is committed to the custody of the United States Marshal for
21 detention until further order of the court, and for removal as soon as reasonably
22 possible to the District of Montana.

23 **IT IS SO ORDERED.**

24 DATED May 11, 2018.



A handwritten signature in black ink, appearing to be "M" or "Rodgers".

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE